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OFFICE OF PETITIONS

In re Application of :
Ulrich Maurer : DECISION ON PETITION
Application No. 10/523,962 :
Filed: April 11, 2005 :
Attorney Docket No. 05-169 :

This is a decision on the REQUEST TO WITHDRAW HOLDING OF ABANDONMENT filed July 23, 2007. This request is properly treated as a PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed December 12, 2006. This Office action set a shortened statutory period for reply of three months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered timely obtained, the application became abandoned effective March 13, 2007. A courtesy Notice of Abandonment was mailed on June 22, 2007.

Petitioner states that applicants request withdrawal of the abandonment as a response was mailed to the Office on June 11, 2007 and received on June 14, 2007. The petition includes a copy of the as-filed response containing a certificate of mailing and a copy of the postcard acknowledging receipt.

Petitioner's evidence has been reviewed, and is persuasive. However, consideration of their evidence is unnecessary. Their response is present in the application with a date of receipt of June 14, 2007. Moreover, the response includes a certificate of mailing in compliance with 37 CFR 1.8 signed and dated June 11, 2007. Moreover, the response includes an extension of time for

response within the third month (and extension fee). It is noted that the extension of time form submitted did not include a certificate of mailing. Nonetheless, the amendment included a certificate of mailing and stated therein that the Office was authorized to charge the required three-month extension of time to the Deposit Account. (The fee was charged to petitioner's Deposit Account as received on June 14, 2007.) Thus, the response received June 14, 2007 is considered timely filed.

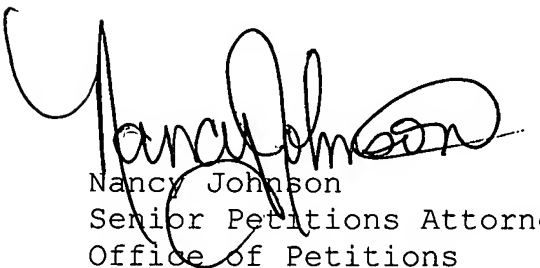
Accordingly, the Notice of Abandonment mailed June 22, 2007 and the holding of abandonment are hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 1761 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response shown to have been timely filed on June 14, 2007 (by virtue of the certificate of mailing dated June 11, 2007).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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